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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 10 February 2005 from the Permanent Mission of Colombia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Colombia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to enclose herewith the first national report of Colombia on the steps taken to implement Security Council resolution 1540 (2004).

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Annex to the note verbale dated 10 February 2005 from the Permanent Mission of Colombia to the United Nations addressed to the Chairman of the Committee

[Original: Spanish]

Republic of Colombia

Ministry of Foreign Affairs

Deputy Minister for Multilateral Affairs

Department of Multilateral Political Affairs

Disarmament coordination

Subject: First national report on the steps taken by Colombia to implement Security Council resolution 1540 (2004)

Date and Place: Bogotá, 25 October 2004

Introduction

General issues

The fulfilment of international commitments is a fundamental premise of Colombia's foreign policy, especially so in the case of resolutions adopted by the United Nations Security Council. Consequently, when the adoption of resolution 1540 (2004) to prevent proliferation of weapons of mass destruction was announced, the Government and its various departments made concerted efforts to apply administrative and legal provisions that would enable it to meet the challenge of controlling nuclear, chemical and biological weapons.

In keeping with its policy of general and complete disarmament, Colombia assumed the obligations imposed by the international system prohibiting weapons of mass destruction. It is thus a party to the Nuclear Non-Proliferation Treaty (NTP), the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention.

Similarly, aware of the need to strengthen international security in the face of terrorism and other transnational crimes, Colombia became a party in March 2003 both to the Convention on the Physical Protection of Nuclear Material and to the Convention on Early Notification of a Nuclear Accident. Recently, Colombia notified the International Atomic Energy Agency (IAEA) of its intention to conclude an additional safeguards protocol with it to confirm its policy of transparency with respect to the peaceful use of nuclear energy.

We shall now go on to enumerate the measures that have been taken to prevent non-State actors from gaining access to materials or elements of any kind that would allow them to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical and biological weapons and their means of delivery.

Legal measures

- The legal provisions on the subject go back to the adoption of the Political Constitution of 1991, when it was deemed imperative to establish a constitutional prohibition that would be sufficiently clear and would make available to the judicial authority all the machinery needed to prosecute non-compliance. With this in view, article 81 of the Constitution provides: "The manufacture, importing, possession and use of chemical, biological and nuclear weapons and the introduction into the nation's territory of nuclear or toxic waste ... is hereby prohibited ...".

- In accordance with the undertaking by the United Nations Member States to impose appropriate sanctions on conduct contravening the existing treaties, conventions and protocols prohibiting nuclear, chemical and biological weapons, one of the laws in Colombia's system of criminal legislation, Act No. 599/2000, was amended by Act No. 890/2004 to make the following, in article 367, a criminal offence: "... A person who imports, traffics in, manufactures, stocks, stores, acquires, supplies, uses or carries chemical, biological or nuclear weapons shall incur a penalty of 6 to 10 years' imprisonment and a fine of 100 to 20,000 times the current minimum legal

monthly salary." This provision allows the State security bodies to take action against the criminal activities of illegal armed groups.

- Another decisive step towards meeting the requirements of Security Council resolution 1540 (2004) is the implementation of a set of legal provisions by Industria Militar (INDUMIL), a company attached to the Ministry of National Defence. On 6 September 2004, the Ministry adopted resolution No. 265, which "... prohibits the provision of any kind of support to non-State actors who attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery."

Training and skills transfer measures

- In July 2004, the Interpol General Secretariat headquartered in Lyon started a two-year programme on bioterrorism. The aim of the programme is to transmit alerts to the bodies responsible for enforcing the laws against bioterrorism, and to develop police training programmes for senior officers to help deal with the threat.
- Early in 2005, Colombia will take part in the Interpol Global Conference on Preventing Bioterrorism, intended for senior officials of the monitoring bodies, including specialists in a broad range of disciplines who are involved in fighting the threat of bioterrorism.
- Likewise, as a member of Interpol, the Administrative Security Department has been acting to comply strictly with the Interpol Orange Notices, especially as regards possible security threats posed by disguised weapons, parcel bombs and other materials considered dangerous.
- The United States and United Kingdom Governments offered skills transfer and training courses to the Colombian Armed Forces and emergency response bodies to prepare them to respond to an attack involving weapons of mass destruction.
- Something currently being worked on that is likely to produce results in the medium term is the offering of courses on weaponry and strategy to officers attending the various military academies as part of the curriculum.
- Also, we can confirm that great emphasis had been put on making all those serving in the Armed Forces fully cognizant of the mandates of Security Council resolution 1540 (2004), so that they in turn can make them known at all levels of command.

Additional security measures

- We can further report that the National Police is conducting a full assessment of security issues based, inter alia, on some of the IAEA inspections of police practices, indicating that the following action should be taken:
  - Organizing a workshop on "Dealing with a possible nuclear threat";
  - Adopting precautionary measures in the event that radioactive and nuclear materials are handled by persons and organizations not authorized to do so;

– Establishing and maintaining a network of inter-agency contacts allowing a rapid response to possible trafficking and to accidents involving radioactive materials.

To control its frontier posts, the National Police has, in addition to its regular tax, customs, narcotics and judicial police units in the frontier departments, contingents in the border areas, distributed as follows:

1. Colombian-Venezuelan frontier: 1,106 troops;
2. Colombian-Brazilian frontier: 244 troops;
3. Colombian-Ecuadorian frontier: 222 troops;
4. Colombian-Panamanian frontier: 135 troops;
5. Colombian-Peruvian frontier: 279 troops.

• Since it is the responsibility of the National Tax and Customs Department to supervise all goods entering Colombian territory, it is in the process of designing, building and outfitting a modern new laboratory for the inspection of imported and exported products, which will guarantee control over chemical and biological weapons. Appropriate information systems are being designed that will include control mechanisms for proper tracking of such substances.

• It is extremely important to report on the provisions made by the Research Institute for Geoscientific, Environmental Mining and Nuclear Information (INGEOMINAS), which is the body responsible for the management and maintenance of the physical and radiological safety conditions at the two major facilities for intense radiation sources existing in our country, thus ensuring that the risk that these installations might be taken over by non-State actors is reduced to the minimum. INGEOMINAS has made the following provisions:

– The installations have a 10-member monitoring team, divided into two shifts and equipped with portable communications devices;

– There is also a general monitoring system using video cameras, with a central monitoring station that covers the outside as well as the inside of the buildings that house the reactor;

– Each facility has detection sensors on the perimeter, and access is by way of electronic cards.

Using non-reimbursable cooperation funds together with national resources, a system will be installed and put into operation by the end of 2005 to improve the physical security of the gamma irradiation plant facilities and the stockpile of inactive radioactive sources, which will have the following features:

– Security lock-and-key devices in the entrance gate;

– Magnetic switches;

– Infrared movement sensors;

– A closed-circuit television system;

– A central guard post;

– Canine reinforcements as support for the guard post;

– Mirrors to inspect vehicles; and

– Portable metal detectors.

Lastly, it should be mentioned that despite these notable efforts to comply with Security Council resolution 1540 (2004), Colombia requires international assistance in improving skills transfer and training, and also needs physical equipment enabling it to respond appropriately to the challenge of detecting, monitoring and prosecuting non-State actors who possess radioactive materials or weapons of mass destruction.